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and Nathan Bush

UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
EUGENE DIVISION

MISTY L. CASTILLO, as Personal  
Representative of the ESTATE OF ARCADIO  
CASTILLO, III,

Case No. 6:22-cv-00684-MK

Plaintiff,

v.

NATHAN BUSH, and CITY OF SALEM, a  
municipal corporation,

Defendants.

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**DECLARATION OF KENNETH S.  
MONTTOYA IN SUPPORT OF  
DEFENDANTS' AMENDED ANSWER  
TO PLAINTIFF'S AMENDED  
COMPLAINT**

I, Kenneth S. Montoya, hereby declare under the penalty of perjury that the following is  
true and correct based upon my personal knowledge:

1. I am one of the attorneys representing the Defendants in this matter. This Declaration is offered in support of Defendants' Amended Answer to Plaintiff's Amended Complaint.

2. I conferred with counsel for Plaintiff, David Park, about filing an Amended Answer to the Amended Complaint. Upon reviewing Defendants proposed Amended Answer and after additional conferral, opposing counsel provided written consent for Defendants to file it with the Court in accordance with Fed. R. Civ. P. 15(2).

**I hereby declare under the penalty of perjury that the following is true and correct.**

DATED this 9<sup>th</sup> day of December, 2022.

s/ Kenneth S. Montoya  
Kenneth S. Montoya, OSB #064467  
Attorney for Defendants

## CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing DECLARATION OF KENNETH S. MONTOKA IN SUPPORT OF DEFENDANTS' AMENDED ANSWER TO PLAINTIFF'S AMENDED COMPLAINT on:

David Park  
324 S. Abernethy Street  
Portland, OR 97239-8529

James M. Healy  
Ronnie Lynn Sayer, I  
235 Front St. SE Ste. 200  
Salem, OR 97301  
Attorneys for Plaintiff

by the following indicated method or methods:



by **electronic means through the Court's Case Management/Electronic Case File system** on the date set forth below;

by **emailing** a copy thereof to each attorney at each attorney's last-known email address on the date set forth below;

by **mailing** a full, true, and correct copy thereof in a sealed, first-class postage-prepaid envelope, addressed to plaintiff's last-known address listed above and depositing it in the U.S. mail at Salem, Oregon on the date set forth below.

DATED this 9<sup>th</sup> day of December, 2022.

s/ Kenneth S. Montoya  
Kenneth S. Montoya, OSB #064467  
Rebeca A. Plaza, OSB #053504  
Dan Atchison, OSB #040424  
Of Attorneys for Defendants

CERTIFICATE OF SERVICE